

WAYNE SPARKS

Summary of Request

HJ 45

As a member of a family with a history of employment within the Department of Correction predating my birth, it is obvious to me that the decision to terminate my employment with the Department was based solely on the investigative summary of a Departmental Captain who lacked formal experience in the performance of internal investigations. Glaringly apparent in this summary to anyone who reads all of the documents generated by the investigation or watches the video of the incident, are countless inconsistencies and falsifications. Also glaringly apparent throughout the investigation is the failure of on the part of Departmental staff to adhere to its own rules and regulations:

1. The supervisors of Hartford Correctional Center showed a serious error in judgment by placing 2 probationary employees in the same unit, without the presence of a senior officer. This decision was in direct violation of my Collective Bargaining Agreement, Article 9, Section 3. Furthermore, as evidenced by the inmate's statement, the assault on me was pre-planned. It can only be assumed that had I been partnered with a senior officer that night, he would have been able to better gauge the mood of the unit to ascertain that something was amiss. This is, in fact, one of the reasons for pairing probationary officers with senior staff.
2. After the incident of May 7<sup>th</sup>, I was allowed to continue my duties as an officer in an unrestricted capacity. I worked my normal shifts as well as any overtime I could sign up for. I was also allowed to continue working in a dorm unit with no further incidents reported prior to my termination.
3. The Connecticut State Police conducted an independent investigation of the incident, and did not find me to be in violation of any law.
4. The Department violated its own Administrative Directive 6.6 (Reporting of Incidents) in several areas:
  - Missing Supplemental Reports (CN6601) by both supervisors and staff involved in the incident (delineated in Section 9.A of the Directive)
  - Missing inmate statements pertaining to the incident (delineated in Section 9.N of the Directive)
  - Missing photos of both the inmate and myself (delineated in Section 9.K of the Directive)
  - The forging of my signature/initials to official documents.

While some of the above-mentioned violations are of serious and significant concern, I would prefer to let the investigation speak for itself in determining any culpability on my part for the events of May 7<sup>th</sup>, rather than attack the Department that I felt honored to work for. The following documents were submitted to me after an FOI request for copies of all documentation pertaining to my investigation. I have divided the documents into separate sections and have summarized the discrepancies and falsifications at the beginning of each section. Please bear in mind that the summary submitted by the investigating captain references statements and video footage that I can only assume does not exist, as my subsequent FOI requests for this documentation were unanswered by the Department.

I am not asking for anything beyond what would be afforded to a non-probationary officer of the Department. I am asking that the Department perform an official investigation of the incident of May 7<sup>th</sup>. If such investigation finds me culpable of an offense warranting termination, I will quietly seek to begin a new career elsewhere. If such investigation determines my veracity of the accounting of the events occurring on May 7<sup>th</sup>, I am asking that the Department reinstate me. I am not asking that they reinstate me with retroactive pay, only that they reinstate me.

Reason for termination of employment;

1. **...engaged in physical contact with an inmate..**". ( Letter of Termination from Warden Lori Ricks, dated 23 July 07, pg 1 line # 3 )
2. **...had a verbal exchange with the inmate . . .** ( Letter of Termination from Warden Lori Ricks, dated 23 July 07, pg 1 line # 5 )
3. **...removed your body alarm and entered the dormitory . . .** ( Letter of Termination from Warden Lori Ricks, dated 23 July 07, pg 1 line # 5 &6)
4. **... (Officer Sparks' ) actions indicate that (he) intended to get physical with the inmate. . .** ( Letter of Termination from Warden Lori Ricks, dated 23 July 07, pg 1 line # 9)

Reason number one was **...engaged in physical contact with an inmate..**". The basic nature of Corrections involves conflict between staff and inmates. There is no rule against engaging **"in physical contact with an inmate"**. Indeed, there are entire directives outlining the proper methods that staff members are to use when so engaged and a significant portion of the Department's training budget is spent on training Officers to engage **"in physical contact with an inmate..**". Reason number one, in and of itself, is not a valid reason for termination.

Reason number two was **"...had a verbal exchange with the inmate . . ."**. The basic nature of Corrections involves communication between staff and inmates. There is no rule against engaging **"in a verbal exchange with the inmate"**, indeed, the nature of the job requires an almost non-stop verbal exchange with inmates all shift long. Reason number two, in and of itself, is not a valid reason for termination.

Reason number three was, **"...removed your body alarm and entered the dormitory . . ."**. To this charge we offer only an explanation. Officer Sparks did remove his body alarm and has admitted that since the beginning of the incident. Officer Sparks stated that he was experiencing difficulty in maintaining the body alarm case secured on his belt. (Statement of Officer Sparks, Supplemental Statement Page 4 of 9, dated 07 May 07, Incident Report #07-0471, line 6, 7 & 8). He stated that the case was coming unsnapped and that this was not the first time this had occurred on his shift. Officer Sparks did not report this as a malfunction of his equipment as, in his view it wasn't a malfunction as such. The body alarm was functioning perfectly according to the body alarm check completed at the beginning of the shift. The problem involved the case and Officer Sparks felt that this was just a routine issue, one that he had experienced on virtually every post and may have been more of an issue with his belt than the actual case. Officer Sparks states that he has had Lieutenant's come in to his post in the past and find the body alarm lying on the desk. In those cases, the body alarm was not even mentioned, he just picked it up and put it on. Be that as it may, Supervisors find staff members not wearing body alarms every day in all facilities. Failing to carry a body

alarm, in and of itself, has never been viewed as a termination offense, or even disciplinary in nature, for probationary or permanent staff members. In his investigation, Capt. Mulligan interviewed only one Lieutenant on this subject. It is somewhat perplexing that this was the only Lieutenant questioned on this matter, as not only was this Lieutenant appointed just two days earlier, but on the night of the assault, this Lieutenant was assigned to Center block, thus if Officer Sparks had made a report of a malfunctioning body alarm or case, it would not have been made to this Lieutenant at all!

The final reason cited for termination was, "(Officer Sparks') **actions indicate that (he) intended to get physical with the inmate. . .**" This is the crux of the matter, as it were. The Department has taken the totality of the circumstances and made an assumption that Officer Sparks intended to engage in a physical altercation with the inmate outside the scope of the Directives and his duties. It is the contention of Officer Sparks that the Department has erroneously reached this conclusion through conjecture and presumptuous reasoning founded upon preconceived conclusions rather than hard evidence. Indeed, it would appear that what little evidence was actually included in the investigation was tailor made, hand selected to prove a preconceived outcome, and everything else was discarded. The "facts" presented and the "conclusions" reached are so unfounded and, in some cases so preposterous, as to not only defy logic but to call into question exactly how decisions to terminate employment are actually made!

It is our contention that the investigation is so flawed, incomplete and biased as to render it virtually worthless as a foundation for termination.

Some of the areas of contention are as follows;

- On page 2 of his "investigation", Captain Mulligan states that at 9:09 pm a Code Orange was called in Dorm One and Two at Hartford CC.
  - A review of the "Lieutenant's Log" as furnished by Joan Ellis, Freedom of Information Officer for the Department of Correction, shows that at 9:02 pm, a Code Orange was called in Dorm 1.
    - The Lieutenant's Log does not mention a subsequent code in Dorm Two.
  - Captain Mulligan makes much adieu about the time frames on page nine, lines one through thirteen. However, it appears that there is significant difference between the time frames referenced by the facility Lieutenant's Log as compared to those times referenced by Captain Mulligan.
- On page three of his "investigation", Captain Mulligan paraphrases the statement of Lieutenant David Wojcik pertaining to the incident. Capt. Mulligan refers to Lt. Wojcik (page three, line forty two and forty three) as a responder to the Code. This is perplexing, as Lt. Wojcik is **NOT** listed anywhere in the incident report

package as furnished to Officer Sparks by the Freedom of Information Officer, **nor** is he referenced in the incident report narrative, **nor** is he mentioned by any other staff member who filed reports in this incident. In spite of the fact that he does not appear anywhere in the official reports, Captain Mulligan not only chose to interview him and to base a large part of his erroneous conclusions on his statements, but he never interviewed or referenced ANY OTHER SUPERVISOR! It is interesting to note that Lieutenant Wales was present at the incident (see Incident Report Supplemental Page 4 of 9 completed by Officer Sparks, line thirty two and thirty three and video recordings of the incident) yet he was not interviewed at all.

- Capt. Mulligan states in his paraphrase of the statement of Lieutenant David Wojcik pertaining to the incident that Lt. Wojcik stated that he distributed Inmate Voluntary Statement forms to the inmates in the Dorm (page three, line forty eight). Capt. Mulligan states in his summary that **twenty-one inmates submitted** completed Inmate Voluntary Statement forms and goes on to summarize the content of those statements. On page seven of that same summary, Capt. Mulligan says that **twenty inmates submitted** completed Inmate Voluntary Statement forms and goes on to state that that the video supports the version presented in those statements. However, not one of those Inmate Voluntary Statement forms was included in the incident report package, nor were these statements ever referenced in the incident report package. To date, in spite of a request to Lori Kowlakowski (see attached request, #3), these statements have not yet appeared. Thus the preponderance of the conclusions of the investigation and subsequent discharge of Officer Sparks are based upon inmate statements which are apparently not part of the incident, even though they were allegedly solicited and gathered pursuant to that incident. Then, in spite of the fact that the preponderance of the conclusions are based thereon, not only are they not included in the investigation, they don't seem to be available for perusal by the defense team of Officer Sparks. Under the circumstances, one might question their very existence!
- On page four of his "investigation", Captain Mulligan paraphrases the statement of Lieutenant David Wojcik, saying "Lt. Wojcik indicated that the climate in the unit improved after the forms were distributed". However, when one reads the statement of Lt. Wojcik taken 05 July 07 at 0730 hrs. (two months after the incident that he was never referenced in and taken at 7:30 in the morning) Lt. Wojcik **NEVER MADE THAT STATEMENT** nor did he ever reference, even indirectly, the climate of the Dorm after the statements were allegedly handed out.

- It is also somewhat perplexing that, although Lt. Medina never responded to the incident and was actually assigned to A&D, RHU, and South Block, he completed a supplemental/overview of the incident.
- On page six, line eight and nine of his "investigation", Captain Mulligan stated that "...it is unclear who initiated the physical contact, although inmate Outlaw can be seen following through on a punch." In a review of the video, it is perfectly clear who initiated the physical contact. However, if that was not sufficient, we have the statement of the assailant himself, #322536 Outlaw, Donald, that he premeditated the assault (see page four, line seventeen and eighteen) and that he did punch Officer Sparks upon his entering the cube.
- On page one, line five and again on page six, line eighteen of his "investigation", Captain Mulligan states that Officer Sparks "...had a verbal exchange with the inmate." Then on page seven, line twenty six and twenty seven, this alleged "verbal exchange" escalated to a "profanity laced argument". This escalation was allegedly based upon Lt. Wojcik's statement. However, not only did Lt. Wojcik **NEVER** say that in his statement, he was specifically asked if he heard any conversation between Officer Sparks and inmate Outlaw prior to entering the Dorm and he said, "NO"! This escalation was also based upon the twenty one voluntary statement forms . . . , the ones that we have never seen and were never included in either the investigation or the incident report package. Finally, this escalation was also reportedly based upon "inmate interviews".
  - We will address the credibility of inmate statements further on. However, of the five inmate interviews included in the "investigation",
    - #322536 Outlaw **never made that allegation**, only that he requested soap and that Officer Sparks denied his request. He says that **HE** was the only one that used profanity. (North District Interview Statement of inmate Outlaw)
    - #287211 Cahill stated that there was an announcement that was just a general announcement about doo-rags, and **does not mention any profanity**, or un-professional conduct during it. (see North District Interview Statement of inmate Cahill.)
    - Inmate #313900 Sanchez, Hector **never claimed to hear any "profanity laced argument"**.
    - # 258644 McKnight, Andre states that Officer Sparks said: "take off your fucking doo-rag" and that inmate Outlaw responded by saying "come take it off". However, he was referring to an alleged announcement made by Officer Sparks, and there is **nothing in his statement to indicate that Officer Sparks ever heard inmate Outlaw's alleged response**, an announcement and response which inmate Outlaw never reported!

- #188745 Smith, Bobby states that Officer Sparks said: "bitch, take that doo-rag off before I come take it off." This is a contradiction of what McKnight alleged, and again, he was referring to an alleged announcement made by Officer Sparks, and there is nothing in his statement to indicate that Officer Sparks ever heard inmate Outlaw's alleged response, an announcement and response which inmate Outlaw never reported!

This verbal exchange only happened according to inmate Outlaw. Correction Officer Wier, and Correction Officer Sparks never recall any exchange of words with inmate Outlaw, just inmate Outlaw stating "fuck you". Furthermore, there is absolutely no video evidence of a verbal exchange occurring between Officer Sparks and inmate Outlaw . If there was a profanity-laced argument at the Officer's station, there would be video evidence to confirm that. Inmate Outlaw would have had to walk to the door of the bubble in order to be heard, placing himself in view of the camera. There is no record of that in the video recording.

- On page five, line thirty and thirty one of his "investigation", Captain Mulligan states that inmate Smith observed Officer Sparks remove his body alarm and belt. The video shows that Officer Sparks was wearing his belt and radio on his way up the tier.
- On page one, line six of his "investigation", Captain Mulligan states that "Officer Sparks walked straight towards the inmate." When Officer Sparks exited the bubble, inmate Outlaw was standing on the tier. In order to walk down the tier, one would have to walk towards said inmate.
- On page one, line six of his "investigation", Captain Mulligan states that a group of inmates followed after you" At the time of this incident it was towards the end of "rec time". Inmates are following you wherever you go in the dormitory, therefore it would be difficult to notice anything out of the ordinary.
- On page two, line two and three of his "investigation", Captain Mulligan states "Officer Wayne Sparks indicated the inmate Outlaw, Donald #322536 had attempted to assault him in the 21-30 cube." Officer Sparks never indicated that inmate Outlaw "Attempted" to assault him. Inmate Outlaw did NOT ATTEMPT to assault Officer Sparks, inmate Outlaw **DID** assault Officer Sparks. This can be verified by the outcome of inmate Outlaw's hearing, (see Disciplinary Process Summary Report-Page 1 ) where he was found guilty of Assault On Staff. Also, Capt. Mulligan himself stated that inmate Outlaw can be seen throwing a punch at Officer Sparks and, in spite of the fact that there is no Medical Incident Report documenting same included in the Incident Report Package, Officer Sparks was treated for a contusion to his right eye.

Other issues discovered in a thorough review of the "investigation" are as follows;

- Notice the similarities in the statements of the Officers. The Officers did not have a chance to speak to each other at any time prior to completing their reports.
- Notice that there is neither statement taken nor mention of Lt. Rivera. Why?
- Notice that there is neither statement taken nor mention of L.T. Wales. Why?
- "Inmate Outlaw's eyes are focused on the bubble as he walks down the tier." ( pg 5 line # 37-39). The camera does not show sufficient detail to show where the inmate's eyes are focused. However, the camera does show that the inmate is walking AWAY from the bubble, thus could not possibly be focusing his eyes in that direction!
- "A verbal confrontation occurred between inmate Outlaw and Officer Sparks at the unit control bubble prior to the incident." ( pg 6 line #18-19 ) There was no verbal confrontation. There is no video evidence to support such a theory. The only way that one could conclude that there was a verbal confrontation would be to give credibility to two convicted felons and to simultaneously disregard the statements of two sworn Correction Officers.
- "Officer Sparks failed to call a code although he had the opportunity to call for assistance via radio." ( pg 6 line # 37-38 ) When Officer Sparks went to grab his radio in order to call said code, his radio was no longer on his belt. It had fallen off during his attempt to defend himself from the assault of inmate Outlaw (just like his body alarm had done in the past and why he had left it in the bubble). Rather than go back into the cube to retrieve the radio, Officer Sparks felt it more important to gain compliance over inmate Outlaw, this in order to prevent him assaulting him again!
- "Lt. Wojcik responds to the unit and remains in the dormitory after securing the unit from the code." (pg 6 line # 40-41 ) Lt. Rivera and Lt. Wales were also on seen at the same time as Lt. Wojcik. Both Lt. Rivera and Lt. Wales were giving direction to staff and inmates, yet neither of these Lt.'s are mentioned at any point in Capt. Mulligan's report.
- "Sparks turned in his body alarm and exited the bubble and walked with Outlaw to the back cubicle.." (pg 7 line # 1-2 ) Earlier in his report Capt. Mulligan stated that inmate Outlaw was "halfway down the tier" at the time that Officer Sparks exited the bubble. ( pg 5 line # 40 ) a fact supported by the video. Yet here, Capt. Mulligan contradicts himself by making it seem as though Officer Sparks and inmate Outlaw walked from the Officer's bubble to the back cube together.
- "There are two distinct versions of the incident, the Unit Officer version and the inmate version." ( pg 7 line # 6-7 ) It makes sense that the version of a Correction Officer and the version of 21 convicted felons would not be the same. One thing to be noted from these two "distinct" versions is that the Officer's version are consistent with each other. These Officers did not have a chance to

talk to each other after the incident, yet their statements are still consistent. The inmate statements however are drastically different and inconsistent.

- "Officer Weir stated that he did not hear any of the conversation between Officer Sparks and inmate Outlaw." (pg 8 line #30-31) This is because there was no conversation between the two. Inmate Outlaw stated "fuck you" and Officer Sparks did not respond. There were no other words between the two.
- "His sole objective in walking down the tier is to confront inmate Outlaw, as his eyes never leave him." (pg 9 line # 16-17) We have already established that one cannot prove where the eyes of Officer Sparks were, and if we cant see that, we certainly cannot conclude his objective or intent.
- "It is clear that the inmate population knew what was going on and gathered to watch the outcome." The inmate population did know what was going to happen as a result of inmate Outlaw, by his own admission, had told inmate what he was going to do. (pg 4 line # 17-18)
- "Weir likely called the code when Officer Sparks directed him to." (pg 9 line # 40) If Capt. Mulligan had done a thorough investigation he would have found many Officers that heard a code called at approximately 9:02 pm. Many officers stated that they heard the words "code" and then their radios became scrambled. Officer Weir then called the code a second time. Officer Sparks had exited the dorm, staff responded within seconds. This supports Officers Weirs assertion that he called the code at 9:02, as it would be impossible for staff to respond as quick as the did if officer Sparks had directed the calling of the code as he exited the unit.

The investigation was conducted by a Captain Mulligan who is not assigned to the Security Division (Internal Affairs). It is not known exactly what his experience is with internal investigations, but based upon the report submitted; it does not appear to be considerable. The investigation jumps to conclusions, ignores considerable evidence, does not include evidence (page 5 of 9 in the incident report) that should be included and misquotes individuals. In short, it is a sad



commentary on the standards of professionalism existing in the Department of Correction today.

That said, it appears that the report was submitted to Dan Callahan, Director of Human Resources who read the conclusions section and nothing else. It appears that his recommendation was based solely upon the conclusion portion of the investigation without taking the time to actually read the rest of the report and look at the evidence. Once he made his recommendation, that report was submitted up the chain to the Deputy Commissioner. It is our contention that the Deputy Commissioner probably read only Dan Callahan's recommendation and formulated his response based upon that alone, using the assumption that Mr. Callahan had checked it out and if he was satisfied, then it was good enough for him. The investigation was then passed along to the Commissioner who did the same thing. That is not just conjecture on our part; indeed, that is exactly how things were done when this writer was assigned to the Security Division, if for no other reason than that the individuals in those positions were just too busy to wade through the voluminous tomes which were so frequently submitted. Newly assigned investigators were usually taught that the "higher ups" were not interested in anything but the conclusions at the end of the investigation and, on rare occasions the recommendations.

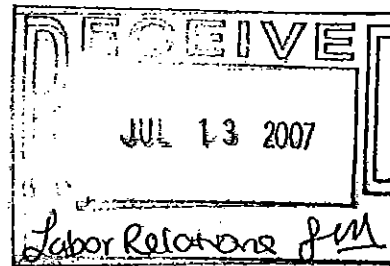
While the above scenario is very likely, it is not important how the erroneous conclusion of culpability was reached, but rather that it was reached and resulted in the wrongful discharge of Officer Sparks. Based upon the evidence, the only culpability which can be shown is a violation of the rules requiring Officer Sparks not to remove his body alarm. Officer Sparks was truthful about that and offered an explanation, not an excuse; that the alarm would not stay on his belt. The evidence would support that reason, as during the fracas that ensued, his radio also came off his belt. The fact remains that failing to wear the body alarm at all times is not, and never has been, a dischargeable offense.



## State of Connecticut

North District Office  
3 Walker Drive  
Enfield, CT 06082

Memorandum from the Desk of:  
Captain William Mulligan



1. Historical Perspective

On May 7, 2007 at 9:09pm a Code Orange was called in Dorm 1 and 2 at Hartford C.C. Officer Wayne Sparks indicated that inmate Outlaw, Donald #322536 had attempted to assault him in the 21-30 cube. Officer Sparks stated that inmate Outlaw had given no indication of aggression prior to the incident and the assault was unprovoked. When inmate Outlaw was removed from the unit to restrictive housing several inmates indicated that Officer Sparks had removed his body alarm and called inmate Outlaw to the back cube.

On May 11, 2007 District Administrator Wayne Choinski assigned me, Captain William Mulligan, to conduct an administrative investigation into this matter.

2. Investigation/Interviews

Officer Trevor Weir's interview statement is attached. Officer Weir indicated that he heard Officer Sparks make an announcement on the PA directing the inmates on the phone to remove their doo-rags. He indicated that Officer Sparks did not use profanity when making the announcement. Weir indicated that Outlaw approached the bubble after Officer Sparks made the announcement but he did not hear what was said, he indicated that the conversation did not appear confrontational. Officer Weir stated that Officer Sparks did not hand him his body alarm when he entered the dorm, he stated that it was passed through the equipment hole and Sparks did not say anything when he turned it in. Weir stated that Sparks had not turned the body alarm in at any time previously on the shift. Weir indicated that Sparks did have his radio on as he entered the dorm. Officer Weir stated that he maintained visual observation of Officer Sparks as he walked down the tier, he stated that he did not notice inmates following Sparks as he walked down the tier. Weir stated that approximately 20 seconds after Sparks started to tour he noticed inmates leaving the dayroom heading to the back of the 1-60 side. He stated that when the noise level became elevated he suspected that something was going on and called a Code Orange because he did not have a visual of his partner, he stated that it took no more than 1 minute for staff to respond after he called the code. Weir indicated that he observed Officer Sparks escort inmate Outlaw from the unit in a wrist elbow escort and he was not restrained. He stated that Officer Sparks told him to call a Code Orange but he indicated he had already called one. Officer Weir indicated that he did not witness any use of force or hear any unprofessional language from Officer Sparks.

**Officer Wayne Sparks' interview statement is attached.** Officer Sparks stated that he made an announcement about doo-rags in the dormitory; he indicated that he did not use profanity during the announcement. He stated that after he made the announcement inmate Outlaw came up to the bubble and stated "fuck you", he further stated that he said nothing in response to Outlaw's insult. He stated that at no point did Outlaw challenge him to go the back of the dorm; he also states that he did not challenge Outlaw. He indicated that as he exited the bubble he turned his body alarm in to Officer Weir through the equipment hole and told him to hold it. He stated that he turned in his body alarm because it was not staying clipped to his belt. He stated that he had turned the body alarm in on previous occasions that shift because it was not staying clipped to his belt. He indicated that he did not submit a work order to repair the damaged body alarm.

Officer Sparks indicated he did have his radio on as he entered the dormitory to tour, and he observed nothing unusual as he entered the 1-60 side. He stated that there were inmates around him as he walked down the tier but he didn't notice how many. He stated he observed inmate Outlaw standing on the tier but did not see him remove his sweatshirt as he approached. Officer Sparks stated that as he approached the end of the tier inmate Outlaw stated "come on". He indicated that he stayed on the tier and approached inmate Outlaw to ask him what he meant. Officer Sparks stated that he did not notice that a large group of inmates had gathered as he approached inmate Outlaw, he stated that Outlaw said nothing to him but rushed him as he approached the 21-30 cube. Sparks stated that he side-stepped Outlaw and pushed him away giving him verbal direction to put his hands on the wall. Officer Sparks stated that inmate Outlaw complied with his direction but he did not feel the need to call a code at the time because the inmate was compliant and he intended to escort him from the dorm and notify a Supervisor. Officer Sparks stated that when he directed Outlaw to place his hands behind his back he turned and swung at him striking him below the right eye. Sparks stated that he attempted to control Outlaw but slipped and fell. Sparks stated that he regained his footing and gave inmate Outlaw verbal commands to stop.

Officer Sparks stated that inmate Outlaw rushed towards him again and grabbed him, he stated that he felt he was in imminent danger and delivered a left knee to Outlaw's abdomen and a palm heel strike to the face. Sparks stated that he gave inmate Outlaw verbal direction to stop resisting and he complied. He stated that he secured inmate Outlaw on the floor and gave him verbal commands to place his hands behind his back and Outlaw complied, he then escorted him down the tier. Officer Sparks stated that as he approached the bubble he asked Officer Weir for the key to the outside door and directed him to call a Code Orange, he indicated he did not hear a response from Weir. Officer Sparks indicated he used only the force necessary to gain compliance from inmate Outlaw.

**Lieutenant David Wojcik's interview statement is attached.** Lieutenant Wojcik responded to the dormitory after the code was called, he stated that the inmates were compliant and went to their bunks as staff responded. Lt. Wojcik remained in the dormitory for approximately an hour after the incident. He indicated that the inmate climate was hot and that inmates were upset stating that Officer Sparks went after inmate Outlaw. Lt. Wojcik stated that he distributed Inmate Voluntary Statement forms to the inmates so they could

document what they witnessed. Lt. Wojcik indicated the climate in the unit improved after the forms were distributed.

**Inmate Donald Outlaw #322536 interview statement is attached.** Inmate Outlaw is serving four years for Robbery 2<sup>nd</sup> with a max. date of 5-07-2011. Inmate Outlaw stated that he had an issue with Officer Sparks at the beginning of the shift when Sparks asked him "what the fuck are you looking at"? Outlaw stated that Officer Sparks made a PA announcement for inmates to "take of your fucking doo-rags", he stated that it was a general announcement, not directed at him. Inmate Outlaw stated that immediately after the announcement he went to the bubble to ask for Lisa soap from Officer Weir he stated that Officer Sparks interjected that if there was any he wouldn't give it to him. Outlaw stated that he said, "fuck you, suck my dick" to Officer Sparks and walked away from the bubble. He indicated that Sparks exited the bubble and said "tell you mother the same thing". Outlaw stated that he was walking down the tier looking back towards the bubble trying to decide if he should say something back at Sparks, and Sparks began to follow. He slowed down and when an inmate (unknown) asked him what was going on he said "if this dude (Officer Sparks) follows me to the back cube, I'm going to fuck him up." He stated that Sparks had to hear him because he was only one or two cubes away. He stated that he walked away removing his sweatshirt and Officer Sparks said, "which cube?"

Outlaw stated that as he entered the last cube, Officer Sparks came at him with his head down as though he were trying to tackle him so he punched him in the eye and he fell back. Outlaw stated that Officer Sparks then punched him in the jaw and they wrestled, he stated that Sparks then grabbed him in a headlock and tried to choke him to the ground but he flipped him backwards. He stated that he went to the door and Officer Sparks grabbed him by the throat but he was able to break the hold. Outlaw stated that he and Sparks again wrestled and Officer Sparks was able to get him to the ground so he gave up, but Sparks tried to punch him again so he slipped out and they grabbed each others arms. Outlaw states that Officer Sparks then looked at him and said "all right", an indication to him that they were done. Outlaw states that he willingly was escorted out of the dorm where Officer Sparks instructed Officer Weir to call a code. Outlaw stated that he was given no verbal direction during the incident and the only thing Sparks stated was "all right".

**Inmate Alan Cahill #287211 interview statement is attached.** Inmate Cahill is accused with pending charges for Larceny 3<sup>rd</sup> with a bond of \$57,500. Inmate Cahill stated that the whole thing appeared to be a game gone bad. He stated that he heard the announcement about doo-rags and saw Outlaw go up to the bubble and that it started there. He observed Outlaw and Sparks walk down the tier and stated that as he saw Sparks look down the tier as he entered the cube. He stated that when Officer Sparks turned back he saw Outlaw swing at him and he thought it was a game because he heard Outlaw say "I would have got you with that one". Officer Sparks then grabbed Outlaw trying to control him but Outlaw spun out and went back into the cube. Cahill stated that he lost sight of them for a moment and then saw Sparks get inmate Outlaw in a full-nelson and took him to the ground where he told him to calm down, then it ended. Cahill indicated he heard no dialogue from Officer Sparks or inmate Outlaw during the incident.

**Inmate Hector Sanchez #313900 interview statement is attached.** Inmate Sanchez is accused with pending charges for Criminal Possession of a Weapon with a bond of \$76,500. Inmate Sanchez stated he was making prayer when the incident began but he heard the commotion and turned to see Officer Sparks enter the cube and throw inmate Outlaw towards the door at the end of the tier and grab him by the throat. He stated that Officer Sparks then grabbed Outlaw and threw him back in the cube and they wrestled but Outlaw dropped and flipped Sparks. He stated that Sparks became visibly upset but the crowd then gathered close and he couldn't see anymore. He stated that he heard no dialogue from Sparks or Outlaw until it ended when he heard Outlaw say "I thought we were wrestling".

**Inmate Andre McKnight #258644 interview statement is attached.** Inmate McKnight is sentenced to 4 years for Possession of Narcotics with a max. date of 9-03-08, he also has pending charges with a bond of \$99,000. Inmate McKnight stated he was in the front of the unit and heard Officer Sparks make an announcement to "take off your fucking doo-rag", he perceived the announcement to be intended for inmate Outlaw. He stated that Outlaw stated "come take it off". He stated that Officer Sparks then took off his body alarm and exited the bubble. He stated that he saw Officer Sparks walk down the tier and he heard a commotion so he went down to see it. He saw Sparks and Outlaw wrestling, he thought they were playing around. He stated that Officer Sparks had control of Outlaw when Outlaw dropped and flipped him and Sparks got serious. He stated that Officer Sparks grabbed Outlaw in a headlock and pushed him to the ground and told him to put his hands behind his back, which he did.

**Inmate Bobby Smith #188745 interview statement is attached.** Inmate Smith is serving 9 months for Interfering with an Officer with a max date of 11-21-2007. He was the bunkmate of inmate Outlaw. He stated that Officer Sparks made an announcement specifically at inmate Outlaw "bitch, take that doo-rag off before I come take it off." He stated that Outlaw responded "come take it off". Smith indicated that he observed Officer Sparks take his body alarm and belt and exited the bubble to walk to the back. Smith did not witness any physical contact between Sparks and Outlaw but stated that they played around all the time exchanging off-color jokes and insults, he thought they played a little too much but didn't expect this to happen.

**Video evidence.** The NiceVision video footage of the incident (enclosed) was reviewed, the details are delineated below:

- As inmate Outlaw enters the video he is looking back towards the bubble, he continues to look in the direction of the bubble as he walks down the tier.
- Inmate Outlaw stops halfway down the tier and cranes his neck up as he sees Officer Sparks enter the 1-60 side of the dorm. Outlaw stands with his hands on his hips waiting for Officer Sparks.
- As Officer Sparks approaches inmate Outlaw he is trailed by a group of inmates (6 or 7) that follow him from the front of the tier (9:07:32).
- Immediately after meeting on the tier, inmate Outlaw turns away, takes off his sweatshirt and walks to the back cube, Officer Sparks follows (9:07:36). A large group of inmates take notice and step onto the tier following Officer Sparks and inmate Outlaw.

- As Officer Sparks enters the cube he turns and looks down the tier, at that time there are 11 or 12 inmates on the tier all walking towards the back cube, Officer Sparks raised his hand towards the bubble (9:07:41).
- Immediately upon Officer Sparks entering the cube the physical confrontation commences and moves back onto the tier in view of the camera. The confrontation then moves back into the cube off camera and remains there until Officer Sparks escorts inmate Outlaw from the cube. It is unclear from the video who initiated the physical contact, although inmate Outlaw can be seen following through on a punch immediately after Sparks enters the cube.
- Inmates can be seen laughing when the physical confrontation begins.
- During the confrontation a group of 25-30 inmates gather to watch, none attempts to intervene or notify Officer Weir of the incident in the back of the dorm.
- Officer Sparks escorts inmate Outlaw out of the cube with Outlaw's hands behind his back. Sparks has escorted inmate Outlaw out of the dormitory before any staff arrives in response to the Code Orange (9:11:25).

### 3. Summary

- A verbal confrontation occurred between inmate Outlaw and Officer Sparks at the unit control bubble prior to the incident.
- Officer Sparks left his body alarm in the bubble when he entered the dormitory immediately following the verbal confrontation with inmate Outlaw. Officer Sparks stated he turned it in through the equipment hole and told Officer Weir to hold it. Inmate statements support that Officer Sparks turned the body alarm in to Officer Weir.
- Officer Sparks tested his body alarm at the start of the shift and reported no issues.
- Officer Sparks did not report any issue with his body alarm to a Supervisor.
- Officer Sparks and Officer Weir's body alarms (# 48 and #60 see CN6901) were confiscated immediately following the incident. There was no damage or malfunction to either body alarm or case. The snaps on both cases were in good working order.
- As Officer Sparks walked towards Inmate Outlaw, Outlaw turns and takes off his sweatshirt and walks to the back cube.
- A physical confrontation occurs between inmate Outlaw and Officer Sparks.
- Officer Sparks failed to call a code although he had the opportunity to call for assistance via radio.
- A Code Orange was called at 9:09pm by Officer Trevor Weir.
- Lt. Wojcik responds to the unit and remains in the dormitory after securing the unit from the code.
- Lt. Wojcik responded to inmate requests to fill out voluntary statement forms because there were complaints from the population that Officer Sparks caused the incident.
- Twenty-one inmates submitted Inmate Voluntary Statement Forms. The inmate statements indicate that there was a profanity-laced argument between Officer Sparks and inmate Outlaw at the Officer Station. Officer

Sparks turned in his body alarm and exited the bubble and walked with Outlaw to the back cubicle where the physical confrontation occurred. The majority of the inmates indicated that they initially thought the confrontation was a joke that became serious when Outlaw knocked Sparks down.

4. **Conclusion**

There are two distinct versions of the incident, the Unit Officer version and the inmate version.

The Unit Officer version, provided by Officer Sparks and Officer Weir, states that inmate Outlaw made an insulting remark to Officer Sparks, who did nothing about it. Seconds later Officer Sparks departed on a routine tour but had to turn in his body alarm because the case was malfunctioning, he had turned it in on previous tours for the same reason. Officer Sparks observed nothing unusual on the tour until inmate Outlaw called him into the back cube when he reached the end of the tier. Inmate Outlaw then attacked him and he fended him off and was able to control him. Officer Sparks gave Outlaw verbal direction to put his hands behind his back and he complied, but turned and struck Officer Sparks as he attempted to remove him from the unit. Officer Sparks regained his footing and kned Outlaw in the abdomen and delivered a palm-heel strike to the face, Outlaw stopped his attack. Officer Sparks continued to provide verbal direction and secured inmate Outlaw, he stated he failed to call a code on the radio because he felt he had control of the situation. Officer Weir was able to ascertain from the elevated noise level that his partner was having a problem and called a Code Orange and staff responded in less than one minute. This version is not supported by the video. It is clear in viewing the video that when Officer Sparks departs the bubble that there is an issue between he and Outlaw.

The inmate version was compiled from the twenty-one Voluntary Statement forms, inmate interviews and Lt. Wojcik's statement. There was a profanity-laced argument between inmate Outlaw and Officer Sparks. In response to the argument Officer Sparks took off his body alarm and gave it to Officer Weir. He departed the bubble and went out after inmate Outlaw who was waiting on the tier. When they met on the tier something was said and inmate Outlaw turned and walked to the back cube, he removed his sweatshirt as he walked. The interaction at this point was perceived by most to be horseplay. As they entered the last cube Officer Sparks advanced towards Outlaw who by his own admission struck him. Officer Sparks pushed Outlaw against the back wall and put his hand on his throat. Officer Sparks and Outlaw began to wrestle (still on their feet) but inmate Outlaw was able to flip Officer Sparks, Sparks became serious at this point. Officer Sparks then got inmate Outlaw in a headlock and was able to get him to the ground where he gained control and escorted him from the unit. Officer Sparks told Officer Weir to call the code as he left the unit. The inmates in the unit were agitated because the incident was initially horseplay between Officer Sparks and inmate Outlaw and Officer Sparks was just as culpable as inmate Outlaw. Lt. Wojcik provided the Voluntary Interview Forms to the inmates who documented what they witnessed. At the height of the confrontation 25-30 inmates can be seen on the tier watching the incident, 20 turned in Voluntary

Statement forms. The video supports the version of the incident provided from the Voluntary Statement forms and imparts credibility to the inmate statements.

The following inconsistencies were noted and refuting evidence is provided.

Officer Sparks turned in his body alarm because the case was not securing to his belt; he had done so previously on the shift.

- The body alarm was collected after the incident and inspected, there was no damage to the case and the snaps secured normally (see photo). I physically inspected the body alarm case during the investigation and found it to be operating normally.
- Officer Weir stated that he did not recall Officer Sparks turning in his body alarm previously.
- Officer Sparks reported no issues with his body alarm when he tested it, or during the shift.

Officer Sparks stated he entered the dorm to conduct a normal tour and saw nothing out of the ordinary.

- Officer Sparks enters the dorm and walks directly to inmate Outlaw who is waiting on the tier looking at Sparks. As he walks down the tier Officer Sparks does not look into any cube, he is looking directly at inmate Outlaw.
- Immediately upon Officer Sparks entering the dorm, inmate can be seen gathering and following him onto the tier (see photo).

Officer Sparks stated he did not see inmate Outlaw remove his sweatshirt after they met on the tier.

- Officer Sparks is no more than 5-6 feet away from inmate Outlaw when he removes his sweatshirt, looking directly at him (see photo).

Officer Sparks did not notice inmates gathering on the tier as he entered the cube.

- As Officer Sparks enters the cube, he looks down the tier where 11 or 12 inmates have gathered and begin walking towards the back cube.

Officer Weir stated that he did not hear any of the conversation between Officer Sparks and inmate Outlaw.

- Officer Weir indicated that he heard the announcement Officer Sparks made about the doo-rags.
- Officer Weir indicated he saw inmate Outlaw come to the bubble.
- Inmates in the unit indicated they could hear the argument from the dorm.

Officer Weir indicated that Officer Sparks did not turn his body alarm in to him, he placed it through the equipment hole and said nothing to him.

- Officer Sparks stated that he handed the body alarm to Officer Weir through the equipment hole and told him to hold it.
- Inmate statements indicate that Officer Sparks gave the body alarm to Officer Weir.



Officer Weir states that he maintained a visual on Officer Sparks throughout the incident and called a code when he noticed the noise and activity level indicated something was going on.

- The time sequence on the video supports Officer Sparks and several inmate statements that indicate a code was not called until Officer Sparks directed Officer Weir to call it as he exited the dorm. The inmates gather on the tier as the incident begins at 9:07:41, at 9:08:00 there is a large number of inmates watching outside the cube, approximately when Officer Weir indicated he called the code. The first staff member does not enter the unit until 9:11:25, 3 minutes and 25 seconds later.
- Officer Weir indicated that staff responded in not more the one minute, staff responded approximately one minute after Officer Sparks exited the unit.

The Nice Vision video is the most telling evidence in this incident. It is clear that Officer Sparks exited the bubble in response to the verbal altercation with inmate Outlaw. His sole objective in walking down the tier is to confront inmate Outlaw, as his eyes never leave him. The removal of his body alarm may have been intended to intimidate Outlaw, it placed him in jeopardy in the event the incident escalated which it did. It is clear that the inmate population knew what was going on and gathered to watch the outcome. Inmate Outlaw admitted to throwing a punch and the remainder of the physical confrontation was not filmed so it is difficult to determine if the level of force was only what was needed to gain compliance. However, the inmate witnesses did not indicate that there was an issue with excessive force, their issue was that Officer Sparks was as culpable for the incident as inmate Outlaw was and nothing happened to him. Many indicated it was horseplay, which escalated when inmate Outlaw flipped Officer Sparks, this is substantiated by the video as the inmate witnesses are laughing as the incident commences. Officer Sparks stated on two occasions he had control of inmate Outlaw but he failed to use his radio to call a code.

Officer Weir only cooperated with the investigation enough to clear himself of culpability without indicting Officer Sparks. It is probable that he heard the entire verbal confrontation between Sparks and Outlaw, but he states that although he heard Officer Sparks P.A. announcement he didn't hear anything after. He indicated that he saw Officer Sparks turn in the body alarm but he did not hand it to him, Officer Sparks and the inmate witnesses state that he was handed the BA. Weir also indicates that he maintained a visual on Officer Sparks the entire time and called a code when he heard and saw the activity in the back cube, this is unlikely given the fact that this would have meant a 3 ½ minute response well above the normal response or the response time noted by Weir. Weir likely called the code when Officer Sparks directed him to.



**Employee's Rights and Responsibilities  
Acknowledgement**  
Connecticut Department of Correction

CN 11001  
REV 4/7/03

Employee name Sparks, Wayne

Title Correction Officer

Address Hartford CC

Employee no. 045249

Case no. NDAI 07-011

Incident date May 7, 2007

Date of interview June 1, 2007

Time of interview 3:00

☐ a.m. ☒ p.m.

Name and rank of interviewer Captain William Mulligan

Place of interview North District Office, 3 Walker Drive

Names of other persons present Lt. Yadira Otero (Administrative Witness); Mike Lombardo (Union Steward)

The purpose of this interview is to gather facts regarding a matter about which you may have relevant or pertinent information.

If you are a member of a bargaining unit, you have the right to have a union representative present. If you are not a member of a bargaining unit, you may have a representative of your choosing to be present. Bargaining unit members who wish to have legal representation must obtain a waiver of union representation signed by both their union representative and themselves.

The questions directed to you during this investigation will have direct relevance to your official duties or employment. Please be advised that this investigation may lead to disciplinary action, up to and including dismissal if it is determined that you engaged in any wrongful act or omission adversely affecting your employment.

This interview may be recorded by the investigator.

You must answer all questions related to the performance of your official duties and employment in the Department of Correction fully and truthfully. disciplinary action, including dismissal may result if you fail to fully and truthfully respond to all questions asked. You will be made aware of the outcome if you are the subject of the investigation. Any request for access to the completed investigation must be forwarded to the Commissioner.

Do you understand the purpose of this proceeding? ☒ Yes ☐ No

Do you understand your rights and obligations as they have been explained to you? ☒ Yes ☐ No

Do you wish to have legal counsel or a union representative present? ☒ Yes ☐ No

Employee signature

Date 6-1-07

Witness

Date 6-1-07

Chief Steward Level 1565

**Connecticut Department of Correction**  
**North District**  
**Interview Statement**

|  |                                    |        |                            |                   |
|--|------------------------------------|--------|----------------------------|-------------------|
| Name: Sparks, Wayne                            | DOB:                               | Sex: M | Race: W                    | Case: NDAI-07-011 |
| Facility: HCCC                                 | Staff Position: Correction Officer |        | Previously Interviewed: NA |                   |
| Nature of Interview: Staff Conduct IR# 07-0471 |                                    |        |                            |                   |

The following statement is made voluntarily without threat or promise of any benefit to me. I have submitted and read this statement and it is true to the best of my knowledge.

|  |              |
|--|--------------|
| Signature: <i>Wayne Sparks</i>         | Date: 6-1-07 |
| Investigator: Captain William Mulligan | Time: 3:20pm |

**Report:**

How long have you been employed by the Department of Correction?

*W/S* 9 months *W/S*

How long have you been assigned to Hartford CC?

*W/S* 5 months *W/S*

On May 7, 2007 what post were you assigned to?

*W/S* Dorm 1 *W/S*

Did you make an announcement on the PA immediately preceding the incident, what was the content of the announcement? *W/S* Yes, the announcement was about the wearing of doo-rags. *W/S*

Did you use any profanity during the announcement?

*W/S* No *W/S*

Did inmate Outlaw approach the bubble after you made the announcement?

*W/S* Yes *W/S*

What did he say to you?

*W/S* "Fuck you." *W/S*

How did you respond to him saying "Fuck you"?

*W/S* I said nothing. *W/S*

Did inmate Outlaw challenge you to go to the back of the dorm?

*W/S* No *W/S*

Did you challenge inmate Outlaw in any manner?

*W/S* No *W/S*

|   |                                    |                    |
|---|------------------------------------|--------------------|
| Facility : HCCC                                 | Person Interviewed: Officer Sparks | Date: 6-1-07       |
| Nature of Complaint: Staff conduct IR # 07-0471 |                                    | Case: NDAI- 07-011 |

**Report Continued:**

Did you turn your body alarm in prior to entering the dorm? After making the PA announcement I exited the bubble and had my hand on my BA on my belt, I then handed it to officer Weir through the equipment hole.

What did you say to officer Weir as you turned it in? I don't specifically recall, I think I may have said "hold this".

Why did you have to turn in the body alarm? It was not staying clipped to my belt.

Was there another body alarm available that you could have used? No

Did Officer Weir have a body alarm in the unit? To my knowledge yes.

Did you report the body alarm case damage to anyone? No

You mentioned in your Incident Report that there were previous occasions when you left your body alarm in the bubble, was that in reference to that night? Yes

Did you submit a work order at any point to replace the body alarm case? No

Did you have your radio on? Yes

As you entered the dorm (1-60 side) what did you observe?

Nothing unusual as I entered the 1-60 side.

Where was inmate Outlaw? Standing on the tier.

Were there other inmates in your immediate proximity as you walked towards the back of the dorm? Yes

Did you notice how many? No

As you approached him did you see inmate Outlaw remove his sweatshirt and walk towards the back of the dorm? No

You stated that Outlaw called you into the 21-30 cube, what did he say? He made a reference of something to the effect of "come on".

Why did you enter the cube after he had made that statement? I didn't enter the cube, I was on the edge mostly on the tier and asked inmate Outlaw what he meant.

Did you notice a large number of inmates had gathered in the immediate area? No

What was his response? He turned and rushed towards me, he said nothing.

What was your response to his aggression? I stepped back to the right and tried to push him off to the left.

|   |                                       |                    |
|---|---------------------------------------|--------------------|
| Facility : HCCC                                 | Person Interviewed: Officer Sparks, W | Date: 6-1-07       |
| Nature of Complaint: Staff conduct IR # 07-0471 |                                       | Case: NDAI- 07-011 |

Report Continued:

Did you give verbal direction? <sup>W/S</sup> After I side-stepped him I gave him verbal direction to put his hands against the wall. <sup>W/S</sup>

Did he do as he was instructed? <sup>W/S</sup> Yes. <sup>W/S</sup>

Did you attempt to call a code or call for a Supervisor at that time? <sup>W/S</sup> No <sup>W/S</sup>  
 Why not? <sup>W/S</sup> At that time the inmate was compliant with what I was directing him to do and based on my experience I thought it better to walk the inmate out to the common area and phone a Supervisor rather than calling on the radio. <sup>W/S</sup>

What was your next instruction did you give inmate Outlaw? <sup>W/S</sup> I informed him that he would be placing his hands behind his back and I would be escorting him to the common area. <sup>W/S</sup>

What was inmate Outlaw's response to that? <sup>W/S</sup> He turned and swung at me striking me right below my right eye. <sup>W/S</sup>

What did you do in response to the assault? <sup>W/S</sup> I attempted to control and stop him from advancing towards me and I lost my footing and fell to the ground. <sup>W/S</sup>

Was he continuing to swing at you prior to you falling? <sup>W/S</sup> Yes <sup>W/S</sup>

Did he continue to assault you as you were on the ground? <sup>W/S</sup> No, I re-established my footing within a matter of seconds. <sup>W/S</sup>

Were you giving him verbal commands to stop while he attempted to assault you? <sup>W/S</sup> Yes <sup>W/S</sup>

After regaining your footing what happened next? <sup>W/S</sup> Inmate Outlaw rushed at me a second time and grabbed hold of me. <sup>W/S</sup>

What was your response? <sup>W/S</sup> I perceived there to be an imminent threat of personal harm and defended myself. <sup>W/S</sup> How? <sup>W/S</sup> I delivered a left knee strike to inmate Outlaw's abdomen and delivered a right palm heel strike to the face. <sup>W/S</sup>

What verbal direction did you give to Outlaw? <sup>W/S</sup> I told him to stop resisting. <sup>W/S</sup>

Did he comply? <sup>W/S</sup> Yes <sup>W/S</sup>

Did you use only the force necessary to gain compliance? <sup>W/S</sup> Yes. <sup>W/S</sup>

What was your next action? <sup>W/S</sup> I secured him to a secured surface (the floor) and instructed him that I would be escorting him from the unit. The inmate acknowledged that he understood my verbal commands and I escorted him to the front of the dorm I told officer Weir to give me the key to the outside door and to call a Code Orange. <sup>W/S</sup>

What was officer Weir's response? <sup>W/S</sup> I do not recall. <sup>W/S</sup>

At what point did staff respond to the unit? <sup>W/S</sup> Moments after I exited the dorm. <sup>W/S</sup>



## Employee's Rights and Responsibilities Acknowledgement

Connecticut Department of Correction

CN 11001  
REV 4/7/03

|                            |                          |
|----------------------------|--------------------------|
| Employee name Weir, Trevor | Title Correction Officer |
| Address Hartford CC        | Employee no. 049306      |

|                                |   |
|--------------------------------|---|
| Case no. NDAI 07-011           | Incident date May 7, 2007   |
| Date of interview June 1, 2007 | Time of interview 2:20 <input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m. |

Name and rank of interviewer Captain William Mulligan

Place of interview North District Office, 3 Walker Drive

Names of other persons present Lt. Yadira Otero (Administrative Witness); Officer Robey, Kevin (union steward)

The purpose of this interview is to gather facts regarding a matter about which you may have relevant or pertinent information.

If you are a member of a bargaining unit, you have the right to have a union representative present. If you are not a member of a bargaining unit, you may have a representative of your choosing to be present. Bargaining unit members who wish to have legal representation must obtain a waiver of union representation signed by both their union representative and themselves.

The questions directed to you during this investigation will have direct relevance to your official duties or employment. Please be advised that this investigation may lead to disciplinary action, up to and including dismissal if it is determined that you engaged in any wrongful act or omission adversely affecting your employment.

This interview may be recorded by the investigator.

You must answer all questions related to the performance of your official duties and employment in the Department of Correction fully and truthfully. disciplinary action, including dismissal may result if you fail to fully and truthfully respond to all questions asked. You will be made aware of the outcome if you are the subject of the investigation. Any request for access to the completed investigation must be forwarded to the Commissioner.

Do you understand the purpose of this proceeding? ☒ Yes ☐ No

Do you understand your rights and obligations as they have been explained to you? ☒ Yes ☐ No

Do you wish to have legal counsel or a union representative present? ☒ Yes ☐ No

Employee signature *Trevor Weir* Date 6-1-07

Witness *Union Rep. Robey* Date 6-1-07

**Connecticut Department of Correction**  
**North District**  
**Interview Statement**

|  |                                    |        |                            |                   |
|--|------------------------------------|--------|----------------------------|-------------------|
| Name: Weir, Trevor                             | DOB:                               | Sex: M | Race: B                    | Case: NDAI-07-011 |
| Facility: HCCC                                 | Staff Position: Correction Officer |        | Previously Interviewed: NA |                   |
| Nature of Interview: Staff Conduct IR# 07-0471 |                                    |        |                            |                   |

The following statement is made voluntarily without threat or promise of any benefit to me. I have submitted and read this statement and it is true to the best of my knowledge.

|  |               |
|--|---------------|
| Signature: <i>Trevor Weir</i>              | Date: 6/10/07 |
| Investigator: <i>Capt William Mulligan</i> | Time: 3:10 PM |

**Report:**

How long have you been employed by the Department of Correction?  
 7 months *TW*

How long have you been assigned to Hartford CC?  
 4 months *TW*

On May 7, 2007 what post were you assigned to?  
 Dorm 1, which was my 56 day post. *TW*

Did you hear officer Sparks make an announcement on the PA immediately preceding the incident, what was the content of the announcement? I don't remember the exact statement he made but I do remember that he was telling the inmates on the phone to take off their doo-rags. *TW*

Was there any profanity used by officer Sparks during the announcement? Not that I can recall.

Are you familiar with inmate Outlaw, Donald #322536? Yes, it was the end of my 56 day rotation so I knew most of the inmates. *TW*

Did you see Outlaw approach the bubble after officer Sparks made this announcement? Yes

Did you hear any conversation between officer Sparks and inmate Outlaw, what was the content of the discussion?  
 No *TW*

At any point did you hear officer Sparks challenge inmate Outlaw to go to the back of the dorm? No

Did you see them conversing, did the discussion appear confrontational? No *TW*

Did officer Sparks hand you his body alarm prior to entering the dorm? No, he placed it in the access (equipment) hole prior to conducting his tour. *TW*

Did he give a reason for taking his body alarm off as he conducted his tour? He did not speak to me as he placed the body alarm in the access hole. *TW*

Had officer Sparks previously turned in his body alarm prior to touring the unit? Not that I can recall. *TW*

|   |             |
|---|-------------|
| Investigator(s): Captain William Mulligan | Page 1 of 2 |
|---|-------------|

|   |                                  |                    |
|---|----------------------------------|--------------------|
| Facility : HCCC                                 | Person Interviewed: Officer Weir | Date: 5-1-07       |
| Nature of Complaint: Staff conduct IR # 07-0471 |                                  | Case: NDAI- 07-011 |

Report Continued:

Did officer Sparks have his radio on? Yes *Tw*

Did you watch officer Sparks as he toured the dorm? Yes, I watched him as long as I could maintain a visual which only covers the first five of so rows of bunks at which point due to the configuration of the dorm you can no longer see. *Tw*

What did you observe as he entered the dorm, were there inmates following officer Sparks to the back of the 1-60 side of the dorm? I did not see inmates following officer Sparks, I did notice inmates leaving the dayroom heading to the back of the 1-60 side about 20-30 seconds after he began his tour to the best of my recollection. *Tw*

Did you observe any physical confrontation between officer Sparks and inmate Outlaw?  
No. *Tw*

At what point did you call a Code Orange?  
When the noise level gave me suspicion that something was going on. *Tw*

Why did you choose a Code Orange? Could the noise had been an inmate fight or disagreement? Because I knew my partner was down in the area that the commotion was taking place. I preferred to play it safe and assume the worst since I had lost visual of my partner, I followed what I was trained to do and assumed the worst. *Tw*

Did you observe officer Sparks escort inmate Outlaw out of the dorm?  
Yes *Tw*

Was inmate Outlaw restrained with handcuffs?  
No *Tw*

What did officer Sparks say to you as he escorted inmate Outlaw from the dorm?  
He asked me to call a Code Orange, I told him I had already called the code. *Tw*

How long after you called the code did it take staff to respond?  
About 45 seconds to 1 minute at most. *Tw*

What did inmate Outlaw say as he was escorted from the dorm.  
Nothing. *Tw*

Did you at any point during the incident hear officer Sparks use profanity or swear?  
No *Tw*

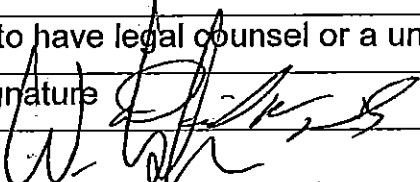
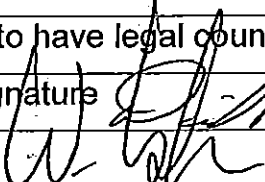
Did you at any point during the incident observe officer Sparks use force on inmate Outlaw?  
No I did not see anything. *Tw*





**Employee's Rights and Responsibilities  
Acknowledgement**  
Connecticut Department of Correction

CN 11001  
REV 4/7/03

|  |                           |  |
|--|---------------------------|--|
| Employee name Wojcik, David  |                           | Title Lieutenant   |
| Address HCCC   |                           | Employee no. 645336  |
| Case no. NDAI 07-011   | Incident date May 7, 2007 |  |
| Date of interview July 6, 2007   | Time of interview 7:24    | <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m. |
| Name and rank of interviewer Capt. William Mulligan  |                           |  |
| Place of interview HCCC  |                           |  |
| Names of other persons present Lt. William Lusardi   |                           |  |
| <p>The purpose of this interview is to gather facts regarding a matter about which you may have relevant or pertinent information.</p>   |                           |  |
| <p>If you are a member of a bargaining unit, you have the right to have a union representative present. If you are not a member of a bargaining unit, you may have a representative of your choosing to be present. Bargaining unit members who wish to have legal representation must obtain a waiver of union representation signed by both their union representative and themselves.</p>   |                           |  |
| <p>The questions directed to you during this investigation will have direct relevance to your official duties or employment. Please be advised that this investigation may lead to disciplinary action, up to and including dismissal if it is determined that you engaged in any wrongful act or omission adversely affecting your employment.</p>  |                           |  |
| <p>This interview may be recorded by the investigator.</p>   |                           |  |
| <p>You must answer all questions related to the performance of your official duties and employment in the Department of Correction fully and truthfully. disciplinary action, including dismissal may result if you fail to fully and truthfully respond to all questions asked. You will be made aware of the outcome if you are the subject of the investigation. Any request for access to the completed investigation must be forwarded to the Commissioner.</p> |                           |  |
| Do you understand the purpose of this proceeding? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  |                           |  |
| Do you understand your rights and obligations as they have been explained to you? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  |                           |  |
| Do you wish to have legal counsel or a union representative present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |                           |  |
| Employee signature    |                           | Date 7-5-07  |
| Witness   |                           | Date 7-5-07  |

**Connecticut Department of Correction**  
**North District**  
**Interview Statement**

|   |                            |        |                            |                   |
|---|----------------------------|--------|----------------------------|-------------------|
| Name: Wojcik, David                             | DOB: 8-5-71                | Sex: M | Race: W                    | Case: NDAI 07-011 |
| Facility: HCCC                                  | Staff Position: Lieutenant |        | Previously Interviewed: NA |                   |
| Nature of Interview: Staff Conduct IR # 07-0471 |                            |        |                            |                   |

The following statement is made voluntarily without threat or promise of any benefit to me. I have submitted and read this statement and it is true to the best of my knowledge.

|   |              |
|---|--------------|
| Signature: <i>David Wojcik</i> David Wojcik | Date: 7-5-07 |
| Investigator: Capt. W. Mulligan             | Time: 7:30am |

**Report:**

How long have you been employed by the Department of Correction? 8 yrs. *e*

How long have you been at HCCC? 8 years *e*

When were you appointed provisional Lieutenant? May 5, 2007 *e*

What was your assignment on the night of May 7, 2007? Center Block Lieutenant. *e*

Did you hear the Code Orange called on May 7, 2007 at 9:09p.m.? Yes, I was in the Lieutenant's Office finishing the paperwork on a simulation. *e*

What did you do when the code was called? Ran down to the immediate area, and provided support as a secondary Supervisor. *e*

When you responded to the unit what did you see? Officer Sparks and Lt. Rivera had inmate Outlaw up against the wall, I looked into the dorm and entered to ensure nothing else was going on. *e*

Did you hear any dialogue between Outlaw and the Lieutenant or Sparks prior to entering the dorm? No *e*

When you entered the dorm what did you observe? The inmates all went to their bunks and the dorm was secured, the inmates did not give us any problem. *e*

After the unit was secured you stayed in the unit to Supervise the population? Yes, I remained there for an hour. *e*

In the hour you were in the dorm what was the climate? The inmates were hot, they were upset because they were stating that Sparks had gone after Outlaw. The inmates were all requesting Statement Forms, to document what they witnessed. *e*

Who handed out the statement forms to the inmates? I did. *e*

Did Officer Sparks report to you at any time a malfunction to his body alarm or case? No. *e*

Did you have any dialogue with either Officer Sparks or inmate Outlaw during the incident? No *e*

Investigator(s): : Capt. W. Mulligan

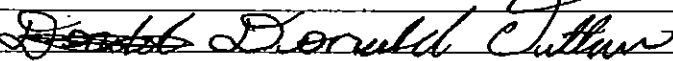
*Capt Mulligan*

Page 1 of 1

**Connecticut Department of Correction**  
**North District**  
**Interview Statement**

|   |                   |                            |         |                  |
|---|-------------------|----------------------------|---------|------------------|
| Name: DONALD OUTLAW                         | DOB: 8-14-88      | Sex: M                     | Race: B | Case: NDAI07-011 |
| Facility: Northern                          | Inmate No. 322536 | Previously Interviewed: NA |         |                  |
| Nature of Interview: Hartford CC IR 07-0471 |                   |                            |         |                  |

The following statement is made voluntarily without threat or promise of any benefit to me. I have submitted and read this statement and it is true to the best of my knowledge.

|  |              |
|--|--------------|
| Signature:  | Date: 6-9-07 |
| Investigator: Capt. William Mulligan   | Time: 2:00pm |

**Report:**

**Give a brief description of how the incident started on May 7, 2007 at 9:09pm.**

Officer Sparks made an announcement on the PA for the inmates on the phone to "take off your fucking doo-rags", the statement was not made specifically to me. I had already had words with Officer Sparks when I came back from chow, he was at the door and as I passed him I looked at him and he stated "what the fuck you looking at?", I replied "shut the fuck up" and kept walking. After his PA announcement I walked up to the bubble and asked Officer Weir for some Lisa soap, he told me there was no more. Officer Sparks said something like, If we had any you wouldn't get it anyway. *Do*

**What was your response to that?** I stated "Fuck you, suck my dick", I was walking away and he came out of the bubble and stated "tell your mother the same thing". As I was walking down the tier I knew everyone had heard what he said and I kept turning around trying to decide if I should say something, he started following me. I slowed down because he was following me and an inmate asked me what was going on, I told him "if this dude follows me to the back cube I'm going to fuck him up". *Do*

**Was Officer Sparks close enough to hear you?** He had to be. But he had to have intentions to do something because he had no keys, no beeper (body alarm) no nothing. **Did he have a radio?** No. *Do*

**What was his response to that?** He followed me as I walked away and I took off my sweatshirt and walked down the tier, he said "Which cube" and I walked into the last cube. He came towards me with his head down like he was going to tackle me and I punched him in the eye, he fell back. He got up and punched me in the jaw I punched him, then we wrestled for a bit and he tried to grab me in a headlock and slam me but I picked him up and flipped him backwards. He kept his hold on me and I slipped out and went back to the door. He grabbed me by the throat and I lifted my head hitting him in the chin, so he broke the hold. We started to wrestle again and he got me to the ground, at that point I basically gave up but he tried to punch me again. I slipped out and sat up we grabbed each other's arms and he looked at me and said "Alright". We got up and walked to the front and he grabbed his keys, Weir didn't know what happened but he told him to call the code in. We got out of the unit and Sparks said I was a tough motherfucker and was talking some more shit I don't remember then everyone showed up. They put the cuffs on tight and took me to seg. *Do*

**Throughout the incident when you were fighting with Officer Sparks did he give you any verbal direction?** No, he didn't say anything until he said "alright". *Do*

**Connecticut Department of Correction  
North District  
Interview Statement**

|   |                           |                            |         |                  |
|---|---------------------------|----------------------------|---------|------------------|
| Name: Cahill, Allan                         | DOB: 11-20-62             | Sex: M                     | Race: W | Case: NDAI-7-011 |
| Facility: HCCC                              | Staff Position: IM#287211 | Previously Interviewed: NA |         |                  |
| Nature of Interview: Staff Conduct #07-0471 |                           |                            |         |                  |

The following statement is made voluntarily without threat or promise of any benefit to me. I have submitted and read this statement and it is true to the best of my knowledge.

|  |              |
|--|--------------|
| Signature: <i>Allan Cahill</i>                         | Date: 7-6-07 |
| Investigator: Capt. W. Mulligan <i>Capt W Mulligan</i> | Time: 9:46am |

**Report:**

On the evening of May 7, 2007 where were you living? Dorm 1 15 bunk

Did you hear Officer Sparks make a PA announcement about doorags in the dorm? He did initially make a general announcement about doo-rags, but the kid (Outlaw) went up to the bubble and said something through the hole and that's where it started. Where were you at that time? On top of my bunk watching. Did Officer sparks say anything else on the PA after Outlaw answered his initial announcement? I heard him say "I'll treat you like a bitch" or something to that effect.

AC

What did you see next? I saw inmate Outlaw walking down the tier followed by Sparks and there was a bunch of inmates behind them. I saw as Sparks was entering the cube he turned his head and I think he then realized how many people were behind him, and that's when it got serious. When Sparks turned back, Outlaw was swinging at him and I thought he was playing because he stated "I would have got you on that one". Sparks then grabbed him trying to control him and pushed him up against the door but Outlaw spun out and they went back into the cube. They were grappling and it looked to me like Outlaw kind of got Sparks in a headlock and pushed him into the bunk, but I lost sight when they got close to the bunk. They got up and Sparks grabbed hold of Outlaw in a full-nelson and took him to the ground and told him to calm down. That's pretty much when it ended.

AC

Did you hear any other dialogue between Officer Sparks and Outlaw during the confrontation? No they weren't talking, just grunting and grumbling. I thought it was unfortunate because initially it looked to me like they were playing around and at some point it got serious.

AC

**Connecticut Department of Correction**  
**North District**  
**Interview Statement**

|   |                                  |                            |         |                  |
|---|----------------------------------|----------------------------|---------|------------------|
| Name: Sanchez, Hector                       | DOB: 1-8-81                      | Sex: M                     | Race: H | Case: NDAI-7-011 |
| Facility: HCCC                              | Staff Position: IM#258644 313900 | Previously Interviewed: NA |         |                  |
| Nature of Interview: Staff Conduct #07-0471 |                                  |                            |         |                  |

The following statement is made voluntarily without threat or promise of any benefit to me. I have submitted and read this statement and it is true to the best of my knowledge.

|  |                          |
|--|--------------------------|
| Signature: <i>Hector Sanchez</i>                     | Date: 7-6-07 <i>H.S.</i> |
| Investigator: Capt. W. Mulligan <i>Capt Mulligan</i> | Time: 9:27am             |

**Report:**

On the evening of May 7, 2007 where were you living? Dorm 1 20 bunk

Did you hear Officer Sparks make a PA announcement about doorags in the dorm? I was making my evening prayer so I did not hear specifically what was said. As I was finishing my prayer I heard a commotion behind me, and when I turned around I saw Officer Sparks enter the cube and grabbed inmate Outlaw and threw him into the door at the end of the tier, he grabbed him by the throat. He then grabbed his shirt and threw him back into the cube and was wrestling with him. Outlaw dropped and kind of flipped Sparks and Sparks got pissed, the crowd of people then got in front of them and I couldn't see any more. *H.S.*

Did you hear any words between the two? Not during the incident, but after Sparks had the kid on the ground I heard him say "I thought we were wrestling, I thought we were wrestling". *H.S.*

**Connecticut Department of Correction**  
**North District**  
**Interview Statement**

|   |                           |                            |         |                  |
|---|---------------------------|----------------------------|---------|------------------|
| Name: Smith, Bobby                          | DOB: 9-17-73              | Sex: M                     | Race: B | Case: NDAI-7-011 |
| Facility: HCCC                              | Staff Position: IM#188745 | Previously Interviewed: NA |         |                  |
| Nature of Interview: Staff Conduct #07-0471 |                           |                            |         |                  |

The following statement is made voluntarily without threat or promise of any benefit to me. I have submitted and read this statement and it is true to the best of my knowledge.

|                                   |              |
|-----------------------------------|--------------|
| Signature: <i>Bobby Joe Smith</i> | Date: 7-6-07 |
| Investigator: Capt. W. Mulligan   | Time: 8:45am |

**Report:**

On the evening of May 7, 2007 where were you living? Dorm 1 32 bunk *BS*

Who was your bunkmate? New York, his last name was Outlaw. *BS*

Did you hear Officer Sparks make a PA announcement about door rags in the dorm? He did not make a general announcement about doo-rags, he specifically singled out Outlaw stating "Bitch, take that doo-rag off before I come take it off". *BS*

What was Outlaw's response to that? Come take it off. *BS*

After Outlaw said that what did Officer Sparks do? He handed his body alarm to Officer Weir, then took off his belt and exited the bubble to walk to the back. *BS*

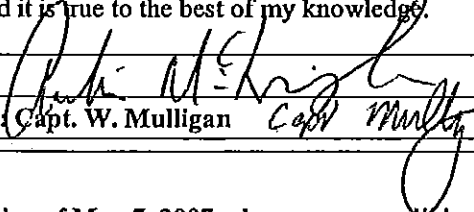
What happened next? I saw them walking down the tier together, then I went to the other side to get hot water. I did not think that it would come to anything like that, that was my boy and if I would have known it would come to that I would have stopped it. Outlaw and Officer Sparks played around a lot, too much, Outlaw thought Sparks was his friend and thought the whole thing was a game. Sparks used to come up to Outlaw and exchange jokes, dissing on each other. *BS*

Did you see any physical contact between Outlaw and Sparks? No *BS*

**Connecticut Department of Correction**  
**North District**  
**Interview Statement**

|   |                           |                            |         |                  |
|---|---------------------------|----------------------------|---------|------------------|
| Name: McKnight, Andre                       | DOB: 5-27-80              | Sex: M                     | Race: B | Case: NDAI-7-011 |
| Facility: HCCC                              | Staff Position: IM#258644 | Previously Interviewed: NA |         |                  |
| Nature of Interview: Staff Conduct #07-0471 |                           |                            |         |                  |

The following statement is made voluntarily without threat or promise of any benefit to me. I have submitted and read this statement and it is true to the best of my knowledge.

|  |              |
|--|--------------|
| Signature:  | Date: 7-6-07 |
| Investigator: Capt. W. Mulligan <i>Capt Mulligan</i>   | Time: 9:07am |

**Report:**

On the evening of May 7, 2007 where were you living? Dorm 1 29 bunk *AM*

Did you hear Officer Sparks make a PA announcement about doorags in the dorm? Yes I was down front by the bubble, I heard Sparks make an announcement to "Take your fuckin doo-rag off". *AM*

What was Outlaw's response to that? Come take it off. *AM*

After Outlaw said that what did Officer Sparks do? He took off his body alarm and left the bubble. *AM*

What happened next? I saw Officer Sparks walk down the tier and I heard a commotion so I walked to the back to see what was going on. *AM*

What did you see next? Sparks and Outlaw were wrestling and it looked playful to me like they were messing around. Sparks had control of Outlaw then he (Outlaw) dropped and flipped him. That's when "C/O" Sparks came back, he got real serious. Sparks grabbed Outlaw in a headlock and pushed him to the ground, he then flipped him over and told him to put his hands behind his back, which he did. Sparks then went to get his cuffs off his belt but realized he didn't have those either. Sparks then stood him up and escorted him out of the dorm. *AM*



# Incident Summary Report (1, 2 and 3)

## Connecticut Department of Correction

CN 6604  
REV 5/5/05

☒ Facility/Unit: Hartford Correctional ☐ Parole and Community Services District:  
Date: 5/7/07 Time: 9:09 ☐ am ☒ pm Report number 07-0471  
Incident class: ☐ 1 ☒ 2 ☐ 3 Type: A Incident location: Dorm 1&2 1thru60

Staff involved : LT's Angel Medina/Edwin,Rivera/C/O's Zayas,Luis/Blackstock,Brane/Troche,Adlaberto/Sparks,Wayne

Inmate(s) involved, with inmate number(s): Inmates: Outlaw,Donald # 322536Overall Level-3

On May 7, 2007 at approximately 9:09pm a code Orange was called via radio by Officer Weir, Trevor (Dorm-1 Control Officer) for Dorm-1. Lieutenant Edwin, Rivera (east side supervisor) responded to the code along with Lieutenant Wojcik, David (Center Block supervisor). On arrival Lieutenant Rivera observed Officer Sparks, Wayne securing Inmate Outlaw, Donald# 322536 to the fixed wall wright outside the Dorm-1 door entrance. Officer Weir, Trevor stated that Officer Sparks was going to tour the Dorm. Officer Weir stated that Officer Sparks began on the 1thru60 side. Officer Weir stated that as Officer Sparks walked towards the back of the tier his visual was limited. Officer Weir stated he observed the movement and the noise level become higher as the inmates from the dayroom get up and crowded the tier. Officer Weir also stated that he then called a code orange via radio and also by the call box into Center Control. Officer Weir then visually saw Officer Sparks escorting Inmate Outlaw out of the dorm. Officer Sparks stated that he announced on the intercom that everyone should be properly dress. Officer Sparks then stated that Inmate Outlaw approached the Control Bubble and stated "Fuck You" after the announcement was made on proper attire. Officer Sparks then stated he was touring and when he arrived at the end of the tier Inmate Outlaw walked into cube 21thru30, which was not his assigned bunk. Officer Sparks then stated that Inmate Outlaw stated "Come On" to Officer sparks. Officer Sparks stated he did not no what Inmate Outlaw meant. Officer Sparks then stated at that time Inmate Outlaw rushed towards Officer Sparks in a aggressive manner. Officer Sparks then stepped back to avoid contact with Inmate Outlaw. Officer Sparks stated that Inmate Outlaw stated he was horse playing. Officer Sparks then directed Inmate Outlaw to place his hands on the wall. Inmate Outlaw did not comply and swung around and strike Officer Sparks in the face area. Officer Sparks tried to take control of the incident, but was knocked down to the ground. Officer Sparks then stood up and took control of the incident and escorted Inmate Outlaw out of the dorm. Inmate Outlaw was placed in RHU-2 on Administrative Dentition Pending a Class A disciplinary Report for assault on Staff. Duty Officer Major Sicilia was notified at 9:25pm. CSP was notified at 9:26pm.

Description of staff injuries: abrasion below right eye and eye lid

Description of inmate injuries: N/A

Use of chemical agent ☐ Yes ☒ No Use of force ☒ Yes ☐ No  
Disciplinary report issued ☒ Yes ☐ No Offense: Disciplinary Report for assault on staff  
Video/photo secured ☒ Yes ☐ No  
Community alert system activated ☐ Yes ☒ No

Description of contraband or weapon(s) Date/Time

### CHAIN OF COMMAND CONTACTS

|                              |                         |
|------------------------------|-------------------------|
| Duty Officer : Major Sicilia | Date/Time 5/7/07 9:25pm |
| Unit Administrator N/A       | Date/Time               |
| District Administrator N/A   | Date/Time               |
| Deputy Commissioner N/A      | Date/Time               |
| Commissioner N/A             | Date/Time               |

### OTHER NECESSARY CONTACTS

|                 |                         |
|-----------------|-------------------------|
| Police/Fire CSP | Date/Time 5/7/07 9:26PM |
| I.O. N/A        | Date/Time               |
| C.I.S.R.T. N/A  | Date/Time               |

Staff signature Angel Medina

Title Lieutenant

Date 5/7/07





# Incident Report – Page 1

## Connecticut Department of Correction

CN 6601/1  
REV 5/5/05

☒ Facility/Unit: H.C.C.

☐ Parole and Community Services District:

Date: 5/7/07

Time: 9:09

☐ am ☒ pm

Report number: 07-0471

Incident class: ☐ 1 ☒ 2 ☐ 3

Type: A

Incident location: Dorm 1 thru 60 side

Prepared by: G. Weir

Title: Correctional officer

| Inmate name (last & first) | ID number | Race | Housing | Status | Staff name (first & last) | Race | Title | Status |
|----------------------------|-----------|------|---------|--------|---------------------------|------|-------|--------|
| Outlaw, Donald             | 322536    | B    | D1-31   | S      | Trevor Weir               | B    | G/O   | R      |
|                            |           |      |         |        | Edwin Biverny             | H    | LT    | EW     |
|                            |           |      |         |        | Angel Medway              | H    | LT    | EW     |
|                            |           |      |         |        | Zayas, Luis               | H    | C/O   | EW     |
|                            |           |      |         |        | Bruce Blackstock          | B    | C/O   | EW     |
|                            |           |      |         |        | Adalberto Tranche         | H    | C/O   | EW     |
|                            |           |      |         |        | Wayne Spark               | W    | C/O   | EW     |

Status code: V = victim, S = suspect, E = escape, R = first employee responder, W = inmate witness, EW = employee witness

Race code: W = white, B = black, H = Hispanic, N = native American, O = Other

Narrative: On the above date and time while this officer posted in Dorm 1 for 4p-12a shift. This officer waited in the bubble as routine as officer sparks toured the unit starting from the 1 thru 60 side. This officer observed officer sparks as he walked towards the back of the tier. As officer sparks got closer towards the end of the tier where visual became limited this officer observed the movement and noise level became higher as the inmates from the dayroom got up and crowded the tier. This officer then called a code orange by suspicion that was followed by a code #212 on the call box to center control. This officer then observed Officer sparks walking towards the front of the tier with inmate Outlaw, Donald #322536 from D1-31 in a reverse risk elbow escort. At this time staff began responding to the code orange. End of Report.

Reporting employee signature: *Trevor Weir*

Title: Correctional officer

Report date: 5/9/07

Report time: 11:00 ☐ a.m. ☒ p.m.

Type: ☒ Individual ☐ Summary

### FOLLOW-UP

Property damage: ☐ yes ☒ no

Value \$

Contraband recovered: ☐ yes ☒ no Description:

Physical force: ☒ yes ☐ no

Chemical agents: ☐ yes ☒ no

Restraints: ☒ yes ☐ no

Assigned to:

☐ Protective Custody

☐ Medical

☒ Administrative Detention

☐ Outside hospital: \_\_\_\_\_

☐ 15-minute watch

☐ Other: Class A OR Assault on staff



Incident Report – Supplemental Page 3 of 9  
Connecticut Department of Correction

CN 6601/3  
REV 5/5/05

☒ Facility/Unit: Hartford Correctional

☐ Parole and Community Services District:

Date: 5-7-07

Time 9:09

☐ am ☒ pm

Report number : 07-0471

Incident class: ☐ 1 ☒ 2 ☐ 3

Type: A

Incident location : Dorm One

Prepared by: Edwin Rivera

Title: Lieutenant

Synopsis:

On May 07, 2007 at Approximately at 9:09PM I Edwin Rivera assigned as the Eastside Supervisor responded to code orange in dorm one Upon entering dorm one this writer notice Officer Wayne Sparks containing inmate Outlaw Donald #322536 D1-31 to a fix position (wall) outside dorm one entrance. This writer supervised Officer Blackstock, Brane (Dorm 1&2 rover) apply the restraints while Officer Troche, Adelberto (Recreational Officer #4) secures the right arm of inmate Outlaw. Once inmate Outlaw was secure this writer directed Officer Zayas (center corridor) the camera operator and the escorting officers to escort inmate Outlaw to Restrictive Housing Unit. Officer Troche secure the right side utilizing the reverse elbow wrist lock position while officer Blockstock secure the left side utilizing the reverse elbow wrist lock position. Once in RHU inmate Outlaw was strip-searched processed, and issued a red jump suit. Inmate Outlaw was handcuff and place in RHU-2 with no further incident. This writer question Officers Blockstock and Troche if any injury were sustained none were reported. This writer proceeded to direct Officer Zayas, Luis the camera operator to sign off. Medical and mental health was notified. Inmate Outlaw was clear for placement for RHU.

Reporting employee signature : Edwin Rivera 

Title: Lieutenant

Report date: 5-7-07

Report time: 12:05

☐ a.m. ☒ p.m.

Type: ☒ Individual ☐ Summary



Incident Report – Supplemental Page 4 of 9  
Connecticut Department of Correction

CN 6601/  
REV 5/5/01

☒ Facility/Unit: Hartford Correctional ☐ Parole and Community Services District:

Date: 5-07-07 Time: 9:09 ☐ am ☒ pm Report number: 07-6471

Incident class: ☐ 1 ☒ 2 ☐ 3 Type: A Incident location: Dorm 1

Prepared by: Wayne Sparks

Title: Correction Officer

On the above date and time I, correction officer Sparks was performing my duties as the dorm 1 officer. I c/o Sparks made a general announcement over the intercom system about the dress code of the facility. After making this announcement inmate Outlaw, Donald #322536 walked up to the unit bubble and told this officer, "fuck you". I c/o Sparks was in the process of exiting the bubble at the time of inmate Outlaw's statement. However while exiting the bubble this officer was experiencing a malfunction with his body alarm. The body alarm was not staying clipped to the belt of this officer so I, officer sparks removed it from my belt and handed it to correction officer Wier. (It is worthy of note that this was not the first time during my shift that I, officer Sparks, had done this.) After exiting the bubble I, officer Sparks, walked down the tier, with inmate Outlaw, with absolutely no signs of aggression being displayed by either parties. Once I, c/o Sparks, arrived at the end of the tier, inmate Outlaw walked into the 21-30 cube, which is not where he is supposed to be. While walking away from this officer, inmate Outlaw said, "come on!" I officer Sparks, was not sure what inmate Outlaw was talking about, so I asked him what he meant. It was at this time that inmate Outlaw turned to this officer and rushed towards me in an aggressive manner. I, officer Sparks, stepped back and to the side to avoid contact with inmate Outlaw. Inmate Outlaw ran past this officer and turned back towards me. I then ordered inmate Outlaw to turn and place his hands on the wall. Inmate Outlaw stated that he was "just playing around". I, officer sparks, told inmate Outlaw to place his hands on the wall again. Inmate Outlaw was compliant with this order and placed his hands on the wall. I, officer Sparks, told inmate Outlaw to place his hands behind his back and that I would escort him to the common area. It was at this time that inmate Outlaw turned around and swung at this officer, striking him in the face. I, officer Sparks, tried to re-gain control of inmate Outlaw but was knocked down to the ground. Once this officer re-establishing footing, inmate outlaw rushed toward this officer a second time. Based upon my training, experience, and the level of threat that I, c/o Sparks perceived, I thought it necessary to defend myself. I, officer Sparks, struck inmate Outlaw with a knee to l/m Outlaw's stomach and a right heel palm strike to the face. After this I, officer Sparks, secured inmate Outlaw to a secure surface and gave inmate Outlaw repeated orders to stop fighting. l/m Outlaw did obey these orders and stopped resisting. I told inmate Outlaw that I would escort him to the common area and made sure that inmate Outlaw understood the verbal commands given to him. After inmate Outlaw assured this officer that he understood all verbal commands given to him I c/o Sparks assisted inmate Outlaw to his feet. At this time I, officer Sparks escorted inmate Outlaw to the front of the dorm. When passing the bubble this officer asked c/o Wier for the key to the outside door, and told him to call a "code orange". I, officer Sparks, then escorted inmate Outlaw out of the unit and maintained control until responding staff arrived on scene. Once responding staff arrived and took control of inmate Outlaw I, officer Sparks, was directed to go to medical by L.T. Wales. This officer then reported to the medical unit with no further issues.

Reporting employee signature: Wayne Sparks

Title: Correction Officer

Report date: 05/07/07

Report time: 11:30 ☐ a.m. ☐ p.m.

Type: ☐ Individual ☐ Summary



# Incident Report – Supplemental Page of 9

Connecticut Department of Correction

CN 6601/3  
REV 5/5/05

☒ Facility/Unit: Hartford Correctional

☐ Parole and Community Services District:

Date: 5.7.07

Time: 9:09

☐ am ☒ pm

Report number: 07-0471

Incident class: ☐ 1 ☒ 2 ☐ 3

Type: A

Incident location: Dorm One

Prepared by: Blackstock BRANE

Title: Correction Officer

Additional narrative: On the above time and date this officer was escorting an inmate to medical when a code orange was called at approximately 9:09 PM. This officer secured the inmate I was escorting immediately in the Gym, and then responded to the code orange in Dorm 1. Upon arrival in Dorm 1 and 2 Common area I saw Officer Sparks holding inmate Outlaw Donald #322536 D1-31 Bed against the wall outside Dorm 1 entrance. I Officer Blackstock immediately applied restraints to inmate Outlaw Donald #322536. Immediately after I Officer Blackstock applied restraints Officer Trocette assisted me in securing inmate Outlaw Donald #322536. Officer Trocette and I Officer Blackstock then escorted inmate Outlaw Donald #322536 to RHU using the wrist elbow escort. Upon arrival to RHU I Officer Blackstock was instructed by Lt. Rivera maintain a visual on inmate Outlaw Donald #322536 while Officer Marac remove restraints from inmate Outlaw Donald #322536, so that Officer Marac could conduct a strip search. After Officer Marac conducted the strip search I Officer Blackstock was instructed per order of Lt. Rivera to apply restraint to inmate Outlaw Donald #322536. Inmate Outlaw Donald was then placed in RHU 2 cell.

Reporting employee signature:

*[Signature]*

Title: C/O

Report date: 5.7.07

Report time: 10:00 ☐ a.m. ☒ p.m.

Type: ☒ Individual ☐ Summary



Incident Report – Supplemental Page 1 of 5  
Connecticut Department of Correction

CN 6601/3  
REV 5/5/05

☒ Facility/Unit: Hartford Correctional

☐ Parole and Community Services District:

Date: 5-7-07

Time: 9:09

☐ am ☒ pm

Report number: 07-0471

Incident class: ☐ 1 ☒ 2 ☐ 3

Type: A

Incident location: DORM-ONE

Prepared by: Zayas, Luis

Title: C/O

Additional narrative:

ON 5-7-07, AT APPROXIMATELY 9:09 pm,  
WHILE POSTED AT CENTER CORRIDOR (206). THIS OFFICER  
RESPONDED TO DORM-1 FOR A CODE ORANGE.  
UPON ARRIVING TO DORM-1, THIS OFFICER PROCEEDED  
TO VIDEO TAPE I/M OUTLAW, DONALD # 222536 OF DI-31  
BUNK. I/M OUTLAW, WAS ESCORTED BY C/O BLACKSTOCK  
SECURING HIS LEFT ARM, WHILE C/O TROCHE, SECURED  
HIS RIGHT ARM, FROM DI- TO R.H.U, ONCE IN R.H.U  
I/M OUTLAW, WAS STRIPPED SEARCH BY C/O MARAC, R.H.U  
OFFICER. ONCE HE WAS STRIPPED SEARCH, HE WAS SECURED  
IN R.H.U CELL-03, WITHOUT ANY FURTHER INCIDENT.  
ALL RESTRAINTS WERE REMOVED UPON BEING SECURED.

Reporting employee signature:

Zayas, Luis

Title:

C/O

Report date: 5-7-07

Report time: 10:50 ☐ a.m. ☒ p.m.

Type: ☒ Individual ☐ Summary



Incident Report – Supplemental Page 8 of 9  
Connecticut Department of Correction

CN 6601/3  
REV 5/5/05

☒ Facility/Unit: Hartford Correctional

☐ Parole and Community Services District:

Date: 5/7/07

Time: 9<sup>09</sup>

☐ am ☒ pm

Report number: 07-0471

Incident class: ☐ 1 ☒ 2 ☐ 3

Type: A

Incident location: DORM ONE

Prepared by: TROCHE, Adalberto

Title: Correction Officer

Additional narrative: On 7 May 2007, I was assigned as the Rec/Utility #4 officer. At approximately 9<sup>09</sup> pm I responded to a CODE ORANGE in DORM ONE. Upon arrival to the DORM ONE area, I assisted officer Blackstock with securing inmate Outlaw, Donald #322536 DI-31 against the wall of the DORM ONE entryway. Once we had the inmate's compliance, I secured his right side and assisted in escorting him to the Restrictive Housing Unit. I applied the wrist elbow escort technique to conduct this escort. Once in RHU, I was instructed by LT. Rivera to stand as a coverdown officer while officer MARAC conducted the stripsearch. Upon completion of the stripsearch, I resecured inmate Outlaw #322536 right side and assisted in placing him in RHU cell-2 without further incident.

(FOR)

Reporting employee signature:

Title:

C/O

Report date: 5/7/07

Report time: 10<sup>00</sup>

☐ a.m. ☒ p.m.

Type: ☒ Individual ☐ Summary



# Incident Report – Supplemental Page 9 of 9

## Connecticut Department of Correction

CN 6601/3  
REV 5/5/05

☒ Facility/Unit: Hartford Correctional

☐ Parole and Community Services District:

Date: 5/7/07

Time: 8:50

☐ am ☒ pm

Report number : 07-0471

Incident class: ☐ 1 ☒ 2 ☐ 3

Type: A

Incident location : Dorm 1&2

Prepared by: Angel Medina

Title: Lieutenant

Synopsis: On May 7, 2007 at approximately 9:09pm a code Orange was called via radio by Officer Weir, Trevor (Dorm-1 Control Officer) for Dorm-1. Lieutenant Edwin, Rivera (east side supervisor) responded to the code along with Lieutenant Wojcik, David (Center Block supervisor). On arrival Lieutenant Rivera observed Officer Sparks, Wayne securing Inmate Outlaw, Donald# 322536 to the fixed wall Wright outside the Dorm-1 door entrance. Officer Weir, Trevor stated that Officer Sparks was going to tour the Dorm. Officer Weir stated that Officer Sparks began on the 1thru60 side. Officer Weir stated that as Officer Sparks walked towards the back of the tier his visual was limited. Officer Weir stated he observed the movement and the noise level become higher as the inmates from the dayroom get up and crowded the tier. Officer Weir also stated that he then called a code orange via radio and also by the call box into Center Control. Officer Weir then visually saw Officer Sparks escorting Inmate Outlaw out of the dorm. Officer Sparks stated that he announced on the intercom that everyone should be properly dress. Officer Sparks then stated that Inmate Outlaw approached the Control Bubble and stated "Fuck You" after the announcement was made on proper attire. Officer Sparks then stated he was touring and when he arrived at the end of the tier Inmate Outlaw walked into cube 21thru30, which was not his assigned bunk. Officer Sparks then stated that Inmate Outlaw stated "Come On" to Officer sparks. Officer Sparks stated he did not no what Inmate Outlaw meant. Officer Sparks then stated at that time Inmate Outlaw rushed towards Officer Sparks in a aggressive manner. Officer Sparks then stepped back to avoid contact with Inmate Outlaw. Officer Sparks stated that Inmate Outlaw stated he was horse playing. Officer Sparks then directed Inmate Outlaw to place his hands on the wall. Inmate Outlaw did not comply and swung around and strike Officer Sparks in the face area. Officer Sparks tried to take control of the incident, but was knocked down to the ground. Officer Sparks then stood up. Officer Sparks then stated that Inmate Outlaw once again rushed him. Officer Sparks then utilized vertical knee lift to Inmate Outlaw stomach area. Officer Sparks also utilized a Palm heel strike. Inmate Outlaw at this time obeyed the orders that were giving to him by Officer Sparks. Officer Sparks then assisted Inmate Outlaw to his feet and then escorted Inmate Outlaw outside of the Dorm. Officer Sparks then stated to Officer Weir to call a code Orange. Officer Sparks then escorted Inmate Outlaw outside of the Dorm. On arrival of the responding staff Lieutenant Rivera directed Officer Blackstock, Brane (Dorm 1&Rover) to apply handcuff on Inmate Outlaw. Lieutenant Rivera then directed Officer Trouche, Adalberto (Recreation Officer#4) to secure Inmate Outlaw on his right side. Officer Trouche utilizing a reverse wristlock elbow position escorted inmate Outlaw to RHU. Officer Blackstock Utilizing a reverse wristlock elbow position escorted inmate Outlaw to RHU securing his left side. Once they arrived in RHU Lieutenant Rivera directed Inmate Outlaw to follow all orders giving to him by the Rhu Processing Officer. Once Inmate Outlaw was stripped searched and issued a Red jumpsuit, he was then escorted to RHU-2. Inmate Outlaw his in RHU-2 on Administrative Detention Pending a Class A Disciplinary Report for assault on staff. The Medical ad Mental Health Department evaluated Inmate Outlaw finding him eligible for RHU Placement. Officer Sparks was directed to be evaluated by the Medical Department. Officer Sparks had abrasion below his right eye and eyelid (see Medical Incident Report). A Workers Comp Package was generated and faxed. Duty Officer Major Sicilia was notified at 9:25pm. CSP was notified at 9:26pm. Trooper S.Menard arrive at the Facility at 9:53pm. Inmate Outlaw was interviewed and stated that that Officer Sparks was cursing at everybody saying he will smack them in the face on the loud speaker. Inmate Outlaw also stated that that Officer Sparks told the Inmates to shut the fuck up. Inmate Outlaw stated that he told the Officer to shut the fuck up also. Inmate Outlaw then said that Officer Sparks stated I would smack the shit out of you. Inmate Outlaw stated he was then walking away and saw Officer Sparks following him. Inmate Outlaw then stated that he started to take off his sweatshirt then Officer Sparks grabbed him and they started wrestling around in the back cube. Inmate Outlaw then stated that Officer Sparks punched him in the face and started to wrestle again. Officer Sparks then stated to Inmate Outlaw to stop resisting. Connecticut State Police Connolly, d and Gorman, T arrived at H.C.C. at 10:56pm to interview Inmates in Dorm-1. Connecticut State Police Sergeant Pina arrived at H.C.C. at 11:25pm. CSP were interviewing Officers Weir&Sparks. CSP were also interviewing Inmate in the immediate area. No staff injuries beside Officer Sparks were reported. Inmate Outlaw Property was inventoried and secured properly. Additional staff were directed to stand by Darm-1.

Reporting Employee Signature: Angel Medina

Title: Lieutenant

Report date: 5/7/07

Report time: 2:30

a.m. ☐ p.m. ☐

Type: ☐ Individual ☒ Summary



## Summary of Assault on Staff

Connecticut Department of Correction

CN 6603/1  
REV 5/5/05

Prepare this form for each staff member assaulted. Attach this form to the incident report and include a copy of it in the facility monthly report if assault score is 1 or more points.

☒ Facility/Unit: H.C.C.

☐ Parole and Community Services District:

Date: 5/7/07

Time: 9:09

☐ am ☒ pm

Report number: 07-0471

Name of Staff Assaulted: Wayne Sparks

Title: OFFICER

Name(s) of assailant(s):

Outlaw, Donald

Inmate Number(s)

322536

### TYPE OF ASSAULT (check only one)

☒ Intentional/direct attack on staff member = 1 point

☐ Accidental/indirect/incidental (e.g., part of another incident, such as inmate fight, hitting a hand away, or walking past an extended arm) = 0 points

### WEAPON INVOLVEMENT (check only one)

☐ Actual homemade weapon used against staff (e.g., knife, club) = 2 points  
specify:

☐ Non-lethal object used as weapon (e.g., body fluid, substance) = 1 point  
specify:

☒ No weapon used = 0 points

### MEDICAL TREATMENT REQUIRED (check only one)

☐ Outside hospital, inpatient admission = 3 points

☐ Outside hospital or outpatient emergency treatment = 2 points

☒ On-site treatment or personal physician = 1 point

☐ None = 0 points

### LEVEL OF ASSAULT

2

Total points

☒ Level 1 (4 or more points)

☒ Level 2 (1-3 points)

Incident details including a summary of what happened, name of injured staff, type of injury and actions taken:

Staff signature Wayne Sparks 

Title Officer

Date 5/7/07





## Summary of Assault on Staff

### Connecticut Department of Correction

CN 6603/2  
REV 5/5/05

☒ Facility/Unit: H.C.C.

☐ Parole and Community Services District:

Date: 5/7/07

Time: 9:09

☐ am ☒ pm

Report number: 07-0471

Name of Staff Assaulted: Wayne Sparks

Title: Correction Officer

Incident details including a summary of what happened, name of injured staff, type of injury and actions taken (continued): On May 7, 2007 at approximately 9:09pm a code Orange was called via radio by Officer Weir, Trevor (Dorm-1 Control Officer) for Dorm-1. Lieutenant Edwin, Rivera (east side supervisor) responded to the code along with Lieutenant Wojcik, David (Center Block supervisor). On arrival Lieutenant Rivera observed Officer Sparks, Wayne securing Inmate Outlaw, Donald# 322536 to the fixed wall wright outside the Dorm-1 door entrance. Officer Weir, Trevor stated that Officer Sparks was going to tour the Dorm. Officer Weir stated that Officer Sparks began on the 1thru60 side. Officer Weir stated that as Officer Sparks walked towards the back of the tier his visual was limited. Officer Weir stated he observed the movement and the noise level become higher as the inmates from the dayroom get up and crowded the tier. Officer Weir also stated that he then called a code orange via radio and also by the call box into Center Control. Officer Weir then visually saw Officer Sparks escorting Inmate Outlaw out of the dorm. Officer Sparks stated that he announced on the intercom that everyone should be properly dress. Officer Sparks then stated that Inmate Outlaw approached the Control Bubble and stated "Fuck You" after the announcement was made on proper attire. Officer Sparks then stated he was touring and when he arrived at the end of the tier Inmate Outlaw walked into cube 21thru30, which was not his assigned bunk. Officer Sparks then stated that Inmate Outlaw stated "Come On" to Officer sparks. Officer Sparks stated he did not no what Inmate Outlaw meant. Officer Sparks then stated at that time Inmate Outlaw rushed towards Officer Sparks in a aggressive manner. Officer Sparks then stepped back to avoid contact with Inmate Outlaw. Officer Sparks stated that Inmate Outlaw stated he was horse playing. Officer Sparks then directed Inmate Outlaw to place his hands on the wall. Inmate Outlaw did not comply and swung around and strike Officer Sparks in the face area. Officer Sparks tried to take control of the incident, but was knocked down to the ground. Officer Sparks then stood up and took control of the incident and escorted Inmate Outlaw out of the dorm. Inmate Outlaw was placed in RHU-2 on Administrative Dentition Pending a Class A disciplinary Report for assault on Staff. Duty Officer Major Sicilia was notified at 9:25pm. CSP was notified at 9:26pm. Officer Sparks received abrasion to his right eye. The Medical Department evaluated Officer Sparks.

Staff signature:

Title:

Date: 5-7-07